

## ARTICLE IV. BURGLARY AND ROBBERY ALARMS

### Sec. 70-51. Purpose and scope

- a. The purpose of this article is to:
  1. Encourage alarm users and alarm companies to properly maintain the operational effectiveness and proper utilization of alarm systems intended to summon police; and
  2. Protect the emergency services of the City by reducing or eliminating false alarms which may unduly divert law enforcement from responding to criminal activity; and
  3. Defray the costs of administering this article through alarm user permit fees and false alarm charges.
- b. The provisions of this article shall apply only to alarm systems intended to summon police and which:
  1. Send an alarm signal or alarm message directly to the Police Department; or
  2. Send an alarm signal or alarm message to a location where the signals or messages are continuously monitored and an alarm message is relayed to the Police Department; or
  3. Emits an audible or visual alarm signal that can be heard or seen on the exterior of the premises.
- c. The provision of this article shall not apply to alarm systems that are not intended to summon police such as alarm systems:
  1. Installed in a vehicle, unless the vehicle is used as a habitation at a permanent site; or
  2. Designed to alert only the inhabitants within the premises.

### Sec. 70-52. Definitions

For the purposes of this article:

*Alarm company* means the full or part-time business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced moved, installed or monitored any alarm system in an alarm site.

*Alarm Coordinator* means the person designated by the Police Chief to administer, control and review false alarm reduction efforts and to issue permits and enforce the provisions of this article.

*Alarm notification* means a notification to police that an alarm, either manual or automatic, has been activated at a particular alarm site.

*Alarm site* means a single, fixed premise or location having one street address served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex shall be considered a separate alarm site.

*Alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity and intended to summon police.

*Alarm user* means any person, firm, partnership, association, corporation, company or organization of any kind who uses or is in control of an alarm system at its alarm site.

*Automatic dialing device* means an electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded message, when activated, over a telephone line, radio or other communication system.

*Burglary alarm system* means an alarm system signaling an entry or attempted entry into the area protected by the system.

*Calendar year* means a period of one year beginning at midnight on January 1<sup>st</sup> and ending at midnight on December 31<sup>st</sup>.

*Cancellation* is the process by which an alarm company providing monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring a police response, and notifies the Police Department prior to the arrival of the responding officer(s).

*Conversion* means the transaction or process by which one alarm company begins monitoring of a previously unmonitored alarm system or an alarm system previously monitored by another alarm company.

*Duress alarm* means a silent alarm system signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring a police response.

*False Alarm* means an alarm notification to the Police Department, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely inspection of the alarm site. For the purposes of this article, this term does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm company or alarm user. Unless otherwise provided, the Police Chief shall be the sole and exclusive judge of whether an alarm is a false alarm for the purpose of this section.

*Permit year* means the period beginning on the date of the issuance of an alarm user's permit and extending for 12 months thereafter.

*Person* means an individual, corporation, partnership, association, organization or similar entity.

*Police Chief* means the Police Chief for the City of Longview Police Department or his designated representative.

*Police Department* means the City of Longview Police Department. For the purposes of this article, this term includes the Emergency Communications Center for the City of Longview.

*Robbery alarm system* means an alarm system designed to generate a silent alarm signal by the manual activation of a device intended to signal a robbery in progress.

*Takeover* means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

*Verify* means an attempt, by the alarm company or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting police response, in an attempt to avoid the unnecessary dispatch of police.

#### **Sec. 70-53. Permit required.**

- a. It is unlawful for an alarm user to operate, or cause to be operated, an alarm system at its alarm site without a valid alarm permit issued by the Alarm Coordinator. An alarm user permit is obtained from the Police Department and entitles the holder to operate all burglary and robbery alarm systems at an alarm site.
  1. The alarm user must submit an alarm permit application and permit fee to the Alarm Coordinator within five (5) days after the installation of an alarm system or an alarm take-over. The alarm user must obtain a separate permit for each alarm site.
2. Unless otherwise indicated, persons making application for an alarm permit must provide all of the information on the permit application. The Alarm Coordinator shall deny or postpone the issuance or renewal of an alarm permit until all required information is provided.
3. The nonrefundable alarm permit fee will be set by Resolution of the City Council of Longview and shall be paid only upon obtaining a permit initially, or when there is a take-over of an existing alarm system. Persons 65 years of age or older obtaining a permit for an alarm system operated at the person's primary residence are exempt from this fee.
4. An alarm permit shall expire one (1) year from the date of issuance, and must be renewed annually by submitting an updated application to the Alarm Coordinator. The Alarm Coordinator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the permit. It is the responsibility of the alarm user to submit the renewal application prior to the expiration date.
5. An alarm permit cannot be transferred to another person or alarm site. Persons performing a take-over of a permitted alarm system at an alarm site must submit a new application and permit fee prior to operating the alarm system. A new permit is not required when an alarm user shall notify the Alarm Coordinator of such a change within five (5) business days prior to such change.
6. An alarm user shall inform the Alarm Coordinator of any change that alters any information listed on the permit application within five (5) business days.
  - b. Alarm systems installed in apartment complexes are treated as follows:
    1. A tenant of an apartment with an alarm system shall obtain an alarm permit from the Alarm Coordinator prior to operating or causing the operation of an alarm system in the tenant's residential unit.
    2. The owner or property manager of an apartment complex shall obtain a separate

alarm permit for any alarm system operated in offices or common areas of the apartment complex.

3. For purposes of enforcing this Article against an individual residential unit, the tenant is responsible for false alarms emitted from the alarm system in the tenant's residential unit.
  4. Each apartment unit shall be considered a separate alarm site.
  5. The permit fee and false alarm fees as provided in this Article shall be the same as for all other alarm sites.
- c. An alarm user required by Federal or State statute, regulation, or rule, to install, maintain and operate an alarm system is subject to this Article and payment of the same fees and fines.
- d. An alarm user that is a governmental political unit or taxing entity shall not be subject to this Article or payment of the same fees and fines, except that each governmental unit and taxing entity shall be required to obtain an alarm permit.

#### **Sec. 70-54. Duties of Alarm User**

- a. An alarm user shall:
1. Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms; and
  2. Not manually activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report; and
  3. Operate the alarm system only if the system is functioning properly. If the Alarm Coordinator determines that false alarm notifications are related to a defect or malfunction in the alarm system, the Alarm Coordinator may require the alarm user to produce a written report from a properly licensed alarm company which has inspected the alarm system stating the probable cause of false alarms and actions taken or recommendations for eliminating the false alarms; and
  4. Make every reasonable effort to respond or cause a representative to respond to the alarm site within thirty (30) minutes of being notified of an alarm activation. The failure of an alarm user or representative to respond to an alarm site after being notified of an

alarm activation may result in the forfeiture of the alarm users' right to appeal, as provided for in Section 70-58 a., a determination by the responding officer(s) that an alarm was false and any service fee assessed as a result of the alarm activation.

- b. An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than fifteen (15) minutes.
- c. An alarm user of an alarm system that emits an alarm signal that is audible or visible from the exterior of a structure shall adjust, or cause to be adjusted, the alarm system so that upon activation, the alarm system will not transmit another signal without first being reset.
- d. An alarm user shall not operate an alarm system, as defined in this Article, which uses an automatic dialing device to summon police.
- e. An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

#### **Sec. 70-55. Duties of the Alarm Company**

- a. Prior to alarm system activation, every alarm company selling, leasing or furnishing to any user an alarm system that is subject to this Article shall:
1. Furnish the user with a copy of this Article;
  2. Furnish the user with an application for an alarm user's permit;
  3. Provide written instructions explaining how to operate the alarm system properly;
  4. Provide written information on how to obtain service for the alarm system at any time; and
  5. Provide training regarding the proper operation of the alarm system to the alarm user and to the alarm user's employees or other persons designated by the alarm user as authorized to operate the alarm system.
- b. Upon enactment of this ordinance, alarm companies shall not install a device activating a robbery alarm system that is a single action non-recessed button. An alarm company must remove all single action non-recessed buttons when a takeover or conversion occurs.

- c. Each alarm company shall provide to the Alarm Coordinator a copy of its state license and the name, address and phone number of a contact person. If the alarm company has a local contact person, then the name, address and phone number shall be provided to the Alarm Coordinator.
- d. An alarm company which begins monitoring a previously unmonitored alarm system or an alarm system previously monitored by another alarm company must notify the Alarm Coordinator of the conversion at least three (3) days prior to the date of the conversion.
- e. An alarm company performing monitoring services shall:
  - 1. Attempt to verify an alarm signal from a burglary alarm system before requesting a police response;
  - 2. Communicate cancellations to the Police Department as soon as possible following the determination that a police response is unnecessary;
  - 3. Communicate the type of alarm activation (silent or audible; robbery, burglary or duress; exterior or interior motion, etc.);
  - 4. Communicate any available information about the specific location of the alarm at the alarm site;
  - 5. Endeavor to contact the alarm user or a representative when an alarm notification is made and notify the Police Department of the time contact was made or the lack thereof, and the intent of the alarm user or representative to respond or to not respond to the alarm site. The alarm company shall also furnish the Police Department with the name of the person contacted, the name of the person responding, the estimated time of arrival and a description of the vehicle driven by the responding person, if applicable.
  - 6. Provide the Police Department with any other information about the alarm and alarm site that may be deemed necessary for the safety of responding officer(s) and administering this Article.
- f. The Alarm Coordinator may appeal to the Texas Commission on Private Security to suspend or revoke an alarm company's license for failure to comply with the duties listed in this Section.

## **Sec. 70-56. False Alarms; Service Fees**

- a. All alarm notifications requiring a police response are characterized as being either a legitimate alarm or a false alarm after inspection of the alarm site by the responding officer(s).

1. The following situations are considered to be legitimate alarms and are not chargeable to the alarm user.

Alarm activated due to criminal activity or attempted criminal activity.

Alarm activated as a result of weather (lightning, high winds, etc.)

Alarm activated due to a power outage or surge or damage to phone lines.

Alarm properly cancelled prior to the officer's arrival.

Alarm activated as a result of police radio interference.

Other situations where it is determined by the Alarm Coordinator that the alarm user could not have reasonably prevented the alarm activation.

2. The following situations are considered to be false alarms and are chargeable to the alarm user if the Police Department responds to the alarm site within thirty (30) minutes of the alarm notification.

Business alarms that are accidentally activated by an employee, owner, cleaning crew or other persons legally at the alarm site; and residential alarms that are accidentally activated by the homeowner, occupant, or person who is legally at the residence.

Alarm activated as a result of a domestic animal.

Alarm activated due to heating or air conditioning blowers turning on or due to the operation of other mechanical or electrical devices left operating.

Alarm activated due to falling stock or movement of hanging signs or other objects.

Alarm activated as a result of a malfunction in the alarm system.

Alarm caused by any other condition that could have been reasonably prevented by the alarm user.

- b. An alarm user shall be subject to service fees and possible permit suspension for an excessive number of false alarms at their alarm site.

1. No service fee will be charged for the first five (5) false alarms occurring in a calendar year at an alarm site.

2. Except as provided in Section 70-58 of this Article, after the first five (5) alarms at an alarm site in a calendar year, an alarm user shall pay a service fee to be set by Resolution of the City Council of Longview for each false alarm occurring at their alarm site during the remainder of the calendar year.

- c. Upon the determination that six (6) or more false alarms have occurred at an alarm site in a calendar year, the Alarm Coordinator shall make written notice to the alarm user and the alarm company providing service of such fact and the service fee(s) assessed. The notice shall also state that the user must either appeal, as provided in Section 70-58 of this Article, or pay the assessed service fee(s) within thirty (30) days of receipt of the notice. Failure to make timely payment of fees shall result in the alarm permit being revoked.

## **Sec. 70-57. Alarm Permit Suspension and Revocation; Reinstatement**

- a. The Alarm Coordinator may suspend an alarm permit if it is determined that:
1. The alarm user failed to notify the Alarm Coordinator of any change that alters any information listed on the permit application within five (5) business days, pursuant to Section 70-53 a.6. of this Article; or
  2. The alarm user failed on one or more occasions to comply with the provisions specified in Section 70-54 of this Article.
- b. The Alarm Coordinator may revoke an alarm permit if it is determined that:
1. There is a false statement of a material matter or misrepresentation in the alarm permit application;

2. The permit holder has failed to make timely payment of a service fee assessed under Section 70-56 b. of this Article; or
  3. Following reinstatement of the permit after suspension, there has been an additional occurrence, in the same calendar year, of the violation(s) that resulted in the previous suspension of the permit.
- c. An alarm permit that has been revoked or suspended may be reinstated if the alarm user:
1. Submits an updated, accurate permit application and, if revoked, pays a nonrefundable reinstatement fee, to be set by Resolution of the City Council of Longview;
  2. Pays, or otherwise resolves, all fees and fines assessed under this Article; and/or
  3. Provides acceptable evidence that the cause(s) of the suspension or revocation has been remedied. A finding in favor of the alarm user pursuant to the appeal process provided for in Section 70-58 of this Article is considered to be acceptable evidence.
- d. An alarm user shall immediately discontinue use of an alarm system upon being notified of the suspension or revocation of an alarm permit. It is unlawful for an alarm user to continue use of an alarm system after notice of suspension or revocation of the alarm permit.
- occurred during the calendar year at the alarm site, the alarm permit shall be revoked unless the false alarm fee(s) are paid. The decision of the Police Chief is final.
- b. Except for revocations following an appeal as provided for in subsection a. of this Section 70-58, an alarm user may appeal the suspension or revocation of an alarm permit to the Police Chief by filing a written request for a hearing within ten (10) days of receipt of the notification of permit suspension or revocation.
1. If a hearing before the Police Chief is requested, the Alarm Coordinator shall notify the alarm user by certified mail of the time and place of the hearing at least five (5) days prior to the hearing date, which date shall be not less than ten (10) days after the filing of the request for a hearing.
  2. At the hearing, the alarm user may present written and oral evidence as to the reasons the permit should not be suspended or revoked. The formal rules of evidence do not apply at an appeal hearing.
  3. The Police Chief shall make a decision to uphold or overturn the suspension or revocation based upon a preponderance of the evidence presented at the hearing. If the suspension or revocation is upheld, the alarm user may apply for reinstatement of the alarm permit as provided for under subsection c. of Section 70-57 of this Article.

#### **Sec. 70-58. Appeals**

- a. An alarm user may appeal a false alarm determination and/or assessment of a service fee by filing a written notice of appeal to the Alarm Coordinator within five (5) business days of receipt of the notice that a service fee(s) has been assessed.
1. The notice of appeal must state the date of the alarm being disputed and the reasons why the alarm user believes the false alarm determination to be incorrect.
  2. The Alarm Coordinator will make a determination in writing within five (5) business days of receipt of the notice of appeal.
  3. The determination of the Alarm Coordinator may be appealed to the Police Chief if the appeal is made in writing within five (5) business days of receipt of the Alarm Coordinator's findings. If the Police Chief determines that six (6) or more false alarms have
- c. All administrative actions may be appealed to the City Manager or his designated representative by giving written notice of such appeal to the City Manager's Office within ten (10) days of such action. The decision of the City Manager or his representative shall be final.

#### **Sec. 70-59. Violation; Fine**

- a. A person commits an offense if he intentionally, knowingly, recklessly or with criminal negligence operates, or causes to be operated, an alarm system at an alarm site without a valid permit.
- b. A person who commits an offense in subsection a. of this Section 70-59 is punishable by a fine not to exceed \$500.00.
- c. For the purposes of this Article, an alarm notification shall be prima facie evidence that the alarm user operated an alarm system at an alarm site.